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NICOLAS FORCILLO

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DARLENE ISAAC; and HAROLD ROLAND HOWMAN, JR.,

CASE NO. 2:19-CV-01452-KJD-DJA

Plaintiffs,

vs.

NICOLAS FORCILLO, an individual,
WERNER ENTERPRISES, INC., a foreign
corporation, DOES I through X, inclusive;
and/or ROE CORPORATIONS I through X,
inclusive

**STIPULATION AND ORDER TO
EXTEND PLAINTIFFS' TIME TO
FILE OPPOSITIONS TO
DEFENDANTS' MOTIONS IN
LIMINE NOS. 1-11**

(First Request)

Defendants.

The parties respectfully request the Court's permission to allow Plaintiffs additional time to file their Oppositions to Defendants' Motions in Limine Nos. 1-11.

1. BACKGROUND

Defendants Werner Enterprises, Inc. and Nicolas Forcillo (“Defendants”) filed the following Motions in Limine:

1. Motion in Limine No. 1 to Strike and or Limit Opinions of Dr. Muir Relating to Plaintiff Harold Howman [ECF No. 112, filed 10/21/22];

1 2. Motion in Limine No. 2 to Strike and or Limit Opinions of Dr. Oliveri Relating to
2 Plaintiff Darlene Isaac [ECF No. 108, filed 10/20/22];

3 3. Motion in Limine No. 3 to Strike and or Limit Opinions of Dr. Janda Relating to
4 Plaintiff Darlene Isaac [ECF No. 113, filed 10/21/22];

5 4. Motion in Limine No. 4 to Strike or Limit the Opinions of Brian Jones Regarding
6 the Accident Reconstruction, Accident Forces, and Biomechanical Opinions of Dr. Christopher
7 Chen [ECF No. 109, filed 10/20/22];

8 5. Motion in Limine No. 5 to Strike and/or Limit Dr. Clauretie's Opinions
9 Regarding Plaintiff Darlene Isaac's Costs and Future Loss of Household Services [ECF No. 114,
10 filed 10/21/22];

11 6. Motion in Limine No. 6 to Limit or Exclude Multiple Opinions of Plaintiff Harold
12 Howman's Vocational Rehabilitation Expert Delyn Porter [ECF No. 115, filed 10/21/22];

13 7. Motion in Limine No. 7 to Limit or Exclude Opinions of Plaintiff Darlene Isaac's
14 Vocational Rehabilitation Expert Ira I. Sepctor [ECF No. 116, filed 10/27/22];

15 8. Motion in Limine No. 8 to Preclude or Limit the Opinions of Dr. Hogan [ECF No.
16 119, filed 10/27/22];

17 9. Motion in Limine No. 9 to Strike the Character Witensses named by Plaintiffs in
18 their FRCP 26 Disclosures [ECF No. 117, filed 10/27/22];

19 10. Motion in Limine No. 10 to Preclude Improper "Reptile" Theory Arguments that
20 (1) Jury Should Apply "Safety Rules," (2) Defendants Failed to Take Responsibility for the
21 Accident, and (3) Jury Should Act as Conscience of the Community [ECF No. 118, filed
22 10/27/22]; and,

23 11. Motion in Limine No. 11 to Preclude Plaintiffs' Treating Physicians from
24 Testifying to Future Care and Limiting Plaintiffs' Treating Physicians to Their Medical
25 Treatment in Their Records [ECF No. 120, filed 10/27/22].

26 With these filings, Plaintiffs' Oppositions to Defendants Motions in Limine 1-11 are due
27 November 3, 2022, November 4, 2022, and November 10, 2022 respectively.

1 Plaintiffs' requested an extension to file their Oppositions due to the filings occurring
2 while the were in trial in the matter of *Argentine v. Smiciklas* (Case No. A-18-771945-C, in the
3 Eighth Judicial District Court) which commenced October 17, 2022 through October 24, 2022
4 and they seek additional time to draft and prepare their Oppositions.

5 Plaintiffs filed an Emergency Motion to Expand Time to Oppose Defendants Motion in
6 Limine Nos. 1-11 [ECF No. 122, filed 11/01/22].

7 Pursuant to this Court's Minute Order [ECF No. 128] the parties have met and conferred
8 regarding Plaintiffs' Emergency Motion and agreed to allow Plaintiffs additional time to file
9 their Oppositions to Defendants' Motions in Limine Nos. 1-11 from November 3, 2022,
10 November 4, 2022, and November 10, 2022 to **November 14, 2022**.

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1 **II. CONCLUSION**

2 The parties submit this Stipulation to Extend Plaintiffs' Time to File Oppositions to
3 Defendants' Motions in Limine Nos. 1-11 from November 3, 2022, November 4, 2022, and
4 November 10, 2022 to **November 14, 2022** in good faith and not to delay this litigated
5 proceeding and in compliance with the Court's Order of November 2, 2022 [ECF No. 128]; and,
6 ask this Honorable Court grant this Stipulation.

7 Dated this 3rd day of November 2022.

8 H&P LAW

10 _____
11 /s/ *Marjorie L. Hauf*
12 MARJORIE L. HAUF, ESQ.
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18 Attorneys for Plaintiffs,
19 DARLENE ISAAC and
20 HAROLD ROLAND HOWMAN, JR.

7 Dated this 3rd day of November 2022.

8 THORNDAL ARMSTRONG DELK
9 BALKENBUSH & EISINGER

10 _____
11 /s/ *Michael C. Hetey*
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19 WERNER ENTERPRISES, INC. and
20 NICOLAS FORCILLO

21 **ORDER**

22 IT IS SO ORDERED. DATED: 11/4/22



23 UNITED STATES DISTRICT JUDGE